

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed January 24, 2006. Claims 37-54 were pending in the Application. In the Office Action, Claims 37-54 were rejected. Applicants respectfully request reconsideration and favorable action in this case.

In the Office Action, the following actions were taken or matters were raised:

SECTION 103 REJECTIONS

Claims 37-39, 43-45 and 50-52 were rejected under 35 U.S.C. 103(a) as being unpatentable over Schmidt et al., "The Interactive Performance of SLIM: A Stateless, Thin-Client Architecture" (hereinafter "*Schmidt*") in view of a publication entitled "Sun Ray Appliances: The Network is the Computer" (hereinafter "*Sun*"). Claims 40-42, 46, 47, 49, 53 and 54 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Schmidt* in view of *Sun* as applied to claims 37, 45 and 52 above, and further in view of U.S. Patent 5,974,471 issued to Belt (hereinafter "*Belt*"). Claim 48 was rejected under 35 U.S.C. 103(a) as being unpatentable over *Schmidt*, *Sun* and *Belt* as applied to claims 45 and 46 above, and further in view of U.S. Patent No. 5,936,616 issued to Torborg, Jr. et al. (hereinafter "*Torborg*"). Applicants respectfully traverses these rejections.

Applicant respectfully submits that Claims 37-54 of the present Application are patentable over the cited references. However, Applicants have elected not to address the patentability of Claims 37-54 over at least *Sun* and instead submits that *Sun* does not qualify as prior art and, therefore, no *prima facie* rejection has been made. By making this choice, Applicants do not admit the accuracy of the Examiner's remarks or reasoning or acquiesce in any way to the reasoning underlying the rejection.

The *Sun* reference appears to be available to the Examiner only under 35 U.S.C. § 102(a) having a purported effective date of July 2001 (the purported publication date of the *Sun* reference). However, Applicant conceived the invention which is the subject of the present Application prior to July 2001, the purported effective date of *Sun*, and was diligent in

constructively reducing the invention to practice. In support thereof, Applicants submit the accompanying Declaration under 37 C.F.R. §1.131, the exhibits of which evidence the conception and constructive reduction to practice of the invention which is the subject of the present Application prior to the purported effective date of *Sun*. Accordingly, Applicants respectfully submit that *Sun* does not qualify as prior art under 35 U.S.C. § 102(a) and, further, the other references applied by the Examiner (*Schmidt, Belt and Toborg*) do not appear to remedy the purported limitations of *Sun* apparently relied upon by the Examiner to reject Claims 37-54. Therefore, Applicants respectfully request that the rejection of Claims 37-54 be withdrawn.

CONCLUSION

Applicants have made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for other reasons clearly apparent, Applicants respectfully request reconsideration and full allowance of all pending claims.

No fee is believed due with this Response. If, however, Applicants have overlooked the need for any fee due with this Response, the Commissioner is hereby authorized to charge any fees or credit any overpayment associated with this Response to Deposit Account No. 08-2025 of Hewlett-Packard Company.

Respectfully submitted,

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